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UNCLAS SECTION 01 OF 09 PRETORIA 000290

SIPDIS  
SENSITIVE

DEPT FOR AF/S, AF/RSA; G/TIP FOR STEPHANIE KRONENBURG;  
G-LAURA PENA, INL, DRL, PRM

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TAGS: [PGOV](#) [PREL](#) [SF](#) [KTIP](#) [KCRM](#) [PHUM](#) [KWMN](#) [SMIG](#) [KFRD](#)  
ASEC, PREF, ELAB, KMCA  
SUBJECT: PRETORIA INPUTS TO THE 2010 TRAFFICKING IN PERSONS  
(TIP) REPORT -- PART 2 OF 3

REF: A. STATE 02094  
[1](#)B. PRETORIA 1551  
[1](#)C. PRETORIA 2016  
[1](#)D. PRETORIA 2229  
[1](#)E. PRETORIA 2567  
[1](#)F. PRETORIA 2671

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(Text of paragraph 9 continues from the "Part 1" cable.)

In December, private security officers at a gold mine in Barberton rounded up and handed over to police 260 illegal diggers, mainly undocumented Zimbabwean and Mozambicans working for organized criminal syndicates. About a third were young teen minors, who were mostly paid laborers but who in some cases were brutally coerced to work as mine robbers. The under-age victims were held at a police station pending a court hearing, but the mining company welcomed IOM assistance to ensure proper intervention in future by social workers and ILO assistance to prevent further cases of child labor.

Prosecutions listed in last year's report were continuing at year-end 2009. In the high profile case of accused Mozambican Aldina dos Santos (aka "Diana"), IOM sources report that the prosecution had completed its arguments, and witnesses had been given leave to return home.

Past examples of convictions of both recruiters and employers of TIP victims include recruiter Amien Andrews, sentenced to 17 years in 1996, and still in jail; and brothel boss Elizabeth Maswanganye, who lured women and exploited them, sentenced to 5 years in 2006, and still in jail.

-- F. On behalf of NPA/SOCA, the IOM and other experts from the academic and NGO communities continued to provide extensive specialized counter-trafficking training to officials from an array of government agencies, from law enforcement to immigration officers to social workers, plus representatives of NGOs, advocacy organizations, and the media. Training material encompassed the definition of

trafficking, as distinct from smuggling; identification criteria; legal frameworks; and roles of various government departments and community actors. The table below summarizes the over 800 SAG attendees of EC-funded IOM anti-TIP workshops during the calendar year 2009:

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IOM Counter-Trafficking Training Attendees  
January - December 2009  
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- Dept. of Social Development and NGOs: 175
- South African Police Service (SAPS): 146
- Dept. of Home Affairs / border officers: 144
- Department of Labor: 120
- National Prosecuting Authority: 90
- Judicial officials: 50
- Department of Health: 36
- Dept. of Education: 20
- Other various departments: 31

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Total: 812 SAG employees trained against TIP  
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These SAG attendees are in addition to 398 members of mixed groups of NGOs, faith-based organizations, field workers, and even 30 visitors from Swaziland's intersectoral task force.

IOM/SAG workshops will continue through 2010, emphasizing coordinated responses across government agencies, NGOs, and Qcoordinated responses across government agencies, NGOs, and the public. After an intensive five-day IOM course, 78 representatives of SAPS (26), DSD (26), DoH (14), DHA (5) and other government agencies (7) were certified as TIP trainers by conducting onward two-day courses in their agencies. Advanced training was provided to 52 practitioners from SAPS

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(14), DHA (8), SADOL (8), DoH (7), NGOs (6), NPA (5), DSD (3), and DoJ (1). IOM's curriculum is being reviewed for SAG accreditation in 2010 and institutionalized roll-out across the SAG thereafter.

Susan Kreston, children's rights advocate and guest lecturer at the University of the Free State, gave anti-TIP training at USG/State-funded workshops in May and September-October, to about 700 attendees in seven major cities. There were about 250 participants at the May annual meeting of the South African Professional Society on the Abuse of Children (SAPSAC), where TIP was the primary theme of the 2009 conference (and will be again in 2010). The keynote speaker at the SAPSAC event was author and journalist Ben Skinner, who visited South Africa at the same time as the G/TIP Ambassador during the reporting period and wrote a Time magazine feature about TIP in South Africa.

-- G. There was little, if any, cross-border law enforcement cooperation on TIP between the SAG and neighboring countries, although DSD and IOM did assist in victims' repatriation. As noted above, initiation of regional joint efforts against TIP was a goal of the NPA's Inter-Sectoral Task Team, and EC funding was applied to enable cross-border data sharing for TIP monitoring. The SAPS noted a particular focus on cooperation with authorities of Mozambique, the land border experiencing the highest traffic in contraband goods as well as TIP.

-- H. Neither Post nor the SAPS trafficking desk is aware of any extraditions by South Africa to other countries to face TIP charges, nor of any requests by other nations for such extraditions.

-- I. Post has no evidence of official SAG involvement in TIP or institutional tolerance of TIP. Some individuals in immigration or other law enforcement areas may have corrupt dealings with traffickers, however, as detailed below.

-- J. Until 2009 no SAG officials were known to have been prosecuted for involvement in TIP. This year, however, press reports indicated that DHA officials had been arrested (month not specified) in the 2006 "After Dark" case in Durban for facilitating the movement of Thai victims into South Africa. In two ongoing cases (one in Durban, and the other in Rustenberg) police officers were said to be implicated as complicit with trafficking consortia. IOM reported receiving tip-offs from trafficking insiders who would not trust local police, whom they believed were collaborators with criminals.

Interlocutors often commented anecdotally that police commonly patronized brothels and were inclined to look the other way on TIP, while border officials were widely considered to accept bribes as a matter of routine.

A multinational anti-TIP team at Johannesburg International Airport expressed frustration that corruption did occur among DHA immigration officials apparently bribed by traffickers to overlook TIP. Given long delays in investigations and low likelihood of successful prosecution, punishment was limited to dismissal of suspected employees. Further, strong trade unions blocked the permanent barring of such employees from future airport work, raising the prospect of recycling of offenders.

-- K. The South African Defense Forces provided troops to peacekeeping units deployed abroad, primarily on the African continent. While our interviewees were aware of crimes committed by these troops, none were TIP-related.

-- L. South Africa did have a problem of child sex tourism, particularly in its most popular destination of Cape Town. While post had no hard data on offenders, anecdotally we were told that client perpetrators are largely from Europe (e.g. UK, Germany, Holland) and even the U.S., with exploitative

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activities occurring primarily in rented holiday apartments. The amended SOA expressly provided for the exercise of South Africa's laws outside its territories (extraterritoriality). No one to date had been prosecuted under these extraterritorial provisions.

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Victim Protection and Assistance  
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110. (Responses to paragraph 28 of Ref A.)

-- A. Recent legislation provided specific protections to TIP victims. The amended SOA stipulated that TIP victims were not to be charged with crimes -- such as immigration violations or prostitution -- which were the direct result of their having been trafficked. Following extensive awareness and sensitivity training conducted by the UNODC, IOM, and others, police action toward TIP victims was said to be gradually more in line with this policy.

Both the SOA and the amended Children's Act of 2007 (yet to be fully implemented), committed the SAG to victims' assistance in terms of places of safety, medical aid, and legal support. In practice, the SAG did abide by these commitments, although provision of these services was uneven, and lacking most in rural areas. The Children's Act would give extra legal protection to vulnerable children, especially those living and working on the street, children with disabilities, and children affected by the HIV pandemic.

This Act further included a requirement for planning at national and provincial levels and uniform roll-out of services.

South Africa was a strong participant in the "Towards the Elimination of Child Labor" (TECL) project funded by the U.S. Department of Labor and implemented by the IOL. Under TECL's auspices, the SAG drafted a Child Labor Plan of Action (CLPA)

comprising hundreds of measures to combat and prevent child labor, including in its worst forms like trafficking. The TECL grant was moving forward in South Africa, but ILO would not know the extent of its effectiveness until a (planned) government report on the status of child labor provisions was released. SADOL remained the lead agency and noted that many of the measures had been incorporated into SAG departments' planning. TECL and SADOL created a second "CLPA-II" for 2008-12 that was adopted by Cabinet in February 2009. The CLPA-II was to be used as a monitoring tool whereby each SAG department would track its progress on a bi-monthly basis. SADOL was expected to compile a final report and submit it to Parliament at the end of March 2010.

-- B. South Africa had a wide array of care shelters for victims of domestic abuse, gender-based violence, rape, and sexual assault. Although there were no specialized facilities specifically targeted to TIP victims, trafficked persons could access any of those other shelters. Due to the extremely high prevalence of those crimes (e.g. a rape rate higher than any other country not at war), assistance and care services were well established, albeit at insufficient capacity. Facilities were mainly run by NGOs, faith-based organizations (FBOs) and community charities, in coordination with the Department of Social Development (DSD). As the only body formally authorized by judicial authorities to refer crime victims to private shelters, the DSD was required always to be involved in each case, even though it contracted with private entities to furnish shelter and care. The DSD's Victim Empowerment Directorate conducted a five-year review of its 2004 'shelter strategy,' updating accreditation procedures, promoting more uniform standards of care, and boosting direct funding to its network of service providers. This review is anticipated to be complete in March 2010.

Foreign victims had equal access to these shelters, with

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South Africans. Shelters segregated women from men, for whom few facilities exist since men comprise a small fraction of victims. Children under 16 years of age, who were thought to make up over half of TIP victims, were cared for in dedicated and specialized facilities, with stringent requirements on accompaniment and monitoring by social workers.

In a 2007 State/DRL-funded project to prompt awareness and collaboration among care providers to TIP victims in the inner city of Johannesburg, local NGO Khulisa found that many shelters had assisted TIP victims without identifying them as such, i.e. addressing and healing abuse without recognizing signs of trafficking. In more developed provinces like Gauteng and Western Cape, Khulisa found (after probing) that about two thirds of organizations surveyed did in fact deal with victims of human trafficking; this figure was 57 percent in Mpumalanga province bordering Mozambique and 40 percent in Limpopo bordering Zimbabwe.

In addition to DSD's networks of affiliated private shelters, the SAG had established a network of Thuthuzela Care Centers (TCCs), essentially crisis centers to assist victims of rape and sexual violence. The TCC model was an integrated "one-stop shop" addressing victims' medical, legal, and social needs, and coordinating the services of SAG Departments of Health, Justice, and Social Development. TCCs were not shelters -- they were not designed for victims to stay overnight, although they could refer victims to NGOs that did offer shelter. Under the leadership of NPA/SOCA, 52 centers were due for completion by 2011 -- 23 of them funded by an \$11.7 million contract awarded by USAID under the Women's Justice and Empowerment Initiative, and the other 12 by UNICEF. The ultimate goal was a total of 80 TCCs nationwide. USAID estimated in 2008 that the TCCs already served approximately 20 percent of all victims of rape and sexual offenses. Further, UNODC funding of \$18 million had been committed to the DSD's Victim Empowerment Unit to build

a national network of victim drop-in centers.

Because TIP victims were assisted through the same channels as victims of other types of violence and abuse, and in many cases not necessarily identified as TIP victims per se, the SAG did not have figures for amounts spent specifically assisting TIP victims. DSD officials did share their concern that 2009 budgets were woefully inadequate to meet the standards of victim assistance stipulated by the Children's Act and TIP Bill. In the case of TCCs, which were collaborative efforts across multiple SAG departments, each of the partners bore the costs for the services it contributed -- Department of Health for medical care, Department of Justice for legal aid, and DSD for counseling.

-- C. As noted, the SAG did provide TIP victims with legal, medical, and counseling services. All TCCs, for instance, were staffed by doctors, forensic nurses, social workers, and were staffed by doctors, forensic nurses, social workers, and satellite NGOs providing psycho-social help. Subcontracted services, such as for overnight shelter, were funded by DSD, albeit at tiny levels of subsidy. (The Saartjie Baartman Centre said it received funding in 2008 equivalent to \$100 a month for every child in its care, and \$300 a month per adult woman.) According to DSD, victims' assistance funding was allocated in a cascade fashion, parceled from national government to departments and then to provinces, where the funding was spent by a combination of provincial and local authorities. Foreign victims often did not avail themselves of counseling or legal aid, instead preferring only critical medical services followed by repatriation at the earliest opportunity.

-- D. As noted, the SOA provided TIP victims with relief from criminal prosecution or deportation. Foreign victims are allowed to remain in the country temporarily to receive assistance and to assist law enforcement investigations.

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-- E. The SAG did not provide long-term shelter or housing to TIP victims; its programs were meant to be emergency response and transitional towards reintegration to normal life. An exception was the case of foreign victims who agreed to remain in South Africa in witness protection programs while awaiting the trial of their traffickers. This was uncommon, since most victims wanted to return to their home countries as quickly as possible, and the trial wait could extend for several years in South Africa's very slow judicial process.

-- F. DSD, SAPS, and private shelters collaborated in attending to victims when TIP situations come to light. A social worker could be approached by an escaped victim, or called by a church shelter; or police could rescue a victim in the course of a raid; or an alert call could come through the IOM TIP hotline. In any of these cases, DSD and SAPS notified each other to enable rapid care as well as effective gathering of evidence and testimony. DSD was the only agency then authorized to refer victims to registered private shelters, and to monitor their care, prepare them for court, and accompany them through trial and/or repatriation stages. DSD aimed to have social workers on call, nationwide, 24x7, to respond to new cases, but if a social worker could not be contacted the SAPS were also authorized to place victims in temporary overnight shelter care rather than housing them in police custody. These protocols were developed by the NPA/SOCA-led interagency task team awaiting the enactment of the TIP law.

-- G. Until passage of the TIP law, TIP victims continued to be categorized with other victims of rape, domestic abuse, and gender based violence. As a result, there were no available statistics of TIP victims assisted during the reporting period, as these numbers were subsumed within much larger headings. Even after the law is passed, lack of

recognition of trafficking victims, even among social workers, will contribute to the absence of statistics or even estimates of numbers of victims assisted.

-- H. NPA-contracted IOM training to police, immigration and border officials, and social workers included instruction in the identification of TIP victims among sex workers, laborers, travelers, and victims of abuse. The Thai Embassy's TIP officer described how SAPS alerted the Embassy and IOM in advance of raiding a brothel holding suspected Thai victims. With Embassy translation, IOM then conducted screening interviews with those persons found, in order to distinguish trafficking victims from voluntary prostitutes.

-- I. Historically, TIP victims were often charged with offenses like prostitution or immigration violations, and foreign victims were generally quickly deported without medical attention, legal assistance, or counseling care. The SOA has since provided protections from prosecution of victims for crimes committed under TIP coercion. Police were Qvictims for crimes committed under TIP coercion. Police were also trained to protect rather than punish victims. Although police action towards TIP victims was gradually more in line with this policy, IOM lamented this year that improvements were not uniform: arrests of victims still occurred, and in one case the victim was locked in the same cell with the alleged trafficker. IOM's perception was that the SAPS' longstanding focus on deportation of undocumented migrants tended to overshadow attentiveness to potential TIP. Until the TIP Bill became a formal law, TIP would continue to be seen by some as a somewhat theoretical crime.

-- J. Victims could seek legal action against traffickers, but despite SAG encouragement to TIP victims to do so the vast majority preferred to return home without pressing charges, according to the SAPS and NPA. No statistic was available on the exact number of victims willing to testify, but the volume of new TIP cases opened was an indicator that the number was small. Durban SAPS sources said seven victims

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were in witness protection programs at year-end in Durban's province of Kwa Zulu Natal (KZN) alone. South Africa's witness protection and child witness support programs were well developed and world class, but were seen as underutilized yet on TIP.

For those victims who remained in South Africa, those who were citizens or otherwise entitled to work could naturally seek new employment while a court case was pending. Some shelters offered basic trade skills training, and IOM provided small seed capital for repatriated adult victims to launch new legal livelihoods in their home countries. In the case of child victims, IOM undertook the tracing of victims' families through its offices in countries of origin, a process that normally lasted a few months, while the children remained under DSD supervised shelter.

-- K. As noted earlier, the SAG conducted extensive interagency training on TIP, including procedures for victim identification and assistance. IOM told TIP officer that DHA had requested supplemental training targeted to its consular officers going abroad, but Post is not aware of any cases in the reporting period of such assistance by South African diplomatic missions. Typically repatriation of South African victims was mediated by the IOM in both countries.

-- L. Post was not aware of any requests for SAG assistance by repatriated South African victims, nor of any mechanism for its provision, other than through the mediation of IOM.

-- M. IOM was the main international organization assisting TIP victims in South Africa -- advising the SAG on policy, serving as a member of the NPA/SOCA's Inter-Sectoral Task Team on TIP, running a national TIP phone hotline, conducting screening interviews to identify TIP victims, directly

facilitating the provision of shelter, and arranging returns of foreign nationals. These areas of victim assistance were alongside the IOM's extensive training of SAG officials, research on TIP, development of a national curriculum, and production of informational materials and participation in awareness-raising campaigns. IOM said its working relationship with NPA/SOCA, DSD, and other SAG officials was close, although capacity constraints within the NPA/SOCA's TIP unit had created a habit of dependency on outsiders (IOM, EC, UNODC, ILO, et al) and a frustratingly slow pace of progress.

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Prevention  
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11. (Responses to paragraph 29 of Ref A.)

-- A. The SAG, IOM, and NGOs continued national awareness-raising activities. Countertrafficking posters and brochures in six languages were distributed in local towns during IOM's training workshops, publicizing the IOM's toll-free helpline. The fourth annual Human Trafficking Awareness Week alerted the public to the TIP threat and promoted the IOM's TIP helpline. Aside from community workshops, IOM ran a series of 'indaba' style traditional village counsels with tribal leaders, specifically targeting Qvillage counsels with tribal leaders, specifically targeting potential TIP victims in rural communities.

Although IOM had the lead role in coordinating the SAG's EC-funded anti-TIP training and curriculum development, myriad private initiatives were also ongoing. A Catholic nuns' group drafted a school curriculum. In inner city areas of Johannesburg, local NGO Khulisa educated communities to detect trafficking and created "referral map" posters for citizens to contact authorities. Khulisa also developed a child-friendly kit for elementary school teachers to use with their students. The Alliance of Christians Against Trafficking (ACT) conducted scenario-based "Traffic Proof"

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seminars in churches, schools, and community halls to sensitize audiences to signs of TIP, ending with mnemonic games to help the public memorize the TIP helpline number 0800-555-9999. World Hope South Africa taught train-the-trainers workshops to build outreach capacity of a network of NGOs.

Looking ahead to South Africa's hosting of the 2010 FIFA World Cup of football, much of the concern about potential TIP was focused on minors, whose schools would be closed on an extended holiday to reduce traffic congestion during the games, and who were expected to flock to game sites and public fan parks where they could be vulnerable to kidnap or exploitation. The DSD's Victim Empowerment Directorate had drafted a national Child Protection Strategy, that it reported it had tested successfully during the 2009 Confederations Cup (precursor to World Cup). DSD then tasked each province that would host a World Cup match with writing its own local plan. NGO sources said these provincial plans were beginning to emerge in early 2010.

Civil society organizations were important partners in the 2010 anti-TIP efforts. In collaboration with FIFA, a consortium of civil society groups -- UNICEF, National Association of Child Care Workers (NACCW), Childline, Child Welfare, Nelson Mandela Children's Fund (NMCF), and others -- had formed to prepare plans for "child friendly spaces" during the soccer games. Each of the soccer cities was assigned to an NGO as the lead agency to coordinate protection efforts (e.g. Polokwane to Childline, Soweto to World Vision, etc.). Volunteers, from child care workers to girl guides (equivalent of U.S. girl scouts), would help to supervise.

In December the NCMF launched the "Champions for Children Campaign: 2010 and Beyond" to raise awareness of risks to minors and promote child protection. The publicity campaign would feature South Africans from all walks of life, from former first lady Graca Machel (Mandela's wife) to a school principal to a township grandmother. Childline's 24-hour toll-free hotline for reporting child abuse would be advertised nationally before, during, and after the World Cup.

In Pretoria, the Tshwane Leadership Foundation had formulated a plan to raise awareness throughout downtown areas, walking the city grid block by block to target caretakers of buildings, budget hotels, hair salons, taverns, and shopping centers. The group was flagging suspicious activities (e.g. persons milling around entries to ostensibly unused buildings), had befriended street prostitutes for information, and had identified locations which could be dangerous for kids during the games. In Cape Town, child protection NGO Molo Songololo had similarly mapped potential hotspots and planned to deploy social workers to watch out for kids. In Durban, the YMCA and municipality planned to run "Y-zones" where youth could partake in sports, enroll in life skill classes, or get academic assistance. Qlife skill classes, or get academic assistance.

The Salvation Army was planning to mount big-screen football broadcasts in churches, where teachers would also conduct classes over the extended school break during the games, and lay people were being trained to supervise kids' clubs and youth programs. Having identified particular "party streets" where youth might fall prey to traffickers, volunteers would be present to keep a watchful eye, talk to youth, and try to keep girls and boys safe. On January 27, the Salvation Army launched a new hotline number, 0800-RESCUE, to assist TIP victims and receive tip-offs on trafficking. The line would be staffed by speakers of all 11 South African national languages. Contact was possible via phone, fax, mail, or mobile phone text messaging. The number would be added to South African Police posters and materials.

See paragraph 15 below for more detail on the plans of the

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Alliance of Christians against Trafficking (ACT) to recruit several thousand volunteers from abroad to help protect children around game events.

Cape Town Tourism, a SAG-funded destination marketing organization which also sits on a World Trade Organization (WTO) board for the protection of children in tourism, had proposed that Cape Town act as pilot site for the roll-out of "the Code" against child sex tourism (detailed in paragraph 14 below).

-- B. The SAG monitored physical flows of persons at ports of entry, screening for behavior patterns indicative of TIP. The multinational South African Immigration Liason (SAIL) Team at Johannesburg Airport, for example, observed and interviewed passengers leaving the country, alert to signs of TIP, such as adults traveling with children evidently not their own. Other suspicious signs included one-way tickets, same-day ticket purchase, unaccompanied minors, ignorance of final destination, or travel rationales which did not appear to be bona fide. TIP detection was mainly a matter of pattern identification over time -- e.g. a suspect traveling repeatedly in varied company for no clear reason in a short period of time. Before boarding, flight data was mined for known suspects by comparing it against data bases of persons of concern. Because sufficient evidence took a long time to collect, and prosecution of offenders was a slim prospect as they could switch modes of operation, the SAIL team's primary strategy was one of disruption of detected activity, by screening and offloading of suspects and their potential victims.

-- C. See paragraph 8B above for details of the NPA/SOCA-led



Inter-sectoral Task Team on TIP.

-- D. The National Action Plan was a long-running effort that had gone through several iterations and start-overs. The process, (re)-launched in May, had identified need areas such as data collection into a central data base, improved border control, public awareness, national coordination, strategies for international events (like the World Cup), measures against corruption, witness protection, public education, and regional coordination. In late 2009, a new draft was floated at a stakeholders' conference, but sources said it was problematic -- not grounded in or making any reference to provisions of the TIP Bill, not aligned to budget resources, and not yet syndicated to impacted government agencies whose support would be essential. Member states of the regional South African Development Community (SADC) had all committed to have such plans by in place by 2015.

-- E. Prostitution was illegal in South Africa, and so was the purchasing of commercial sex services. As mentioned, enforcement was often lax, given the competing priorities generated by South Africa's exceptionally high rates of violent crime and overstretched policing resources. The SAG's greatest deterrence effort was its continuing arrests and prosecutions of violators, albeit within an overburdened and slow judicial system.

-- F. In March 2009 Cape Town Tourism held a small, focused, and closed-door workshop (attended by local conoff) among representatives of the tourism industry, government, and civil society, to find ways to combat sex tourism. Further efforts to deter sex tourism are described in paragraph 14 below. Such initiatives should impact the activities of foreign tourists in South Africa, and also South Africans who might travel abroad in future.

-- G. The South African military prosecuted its own troops involved in sex crimes such as rape while deployed on peacekeeping missions abroad. All troops involved in such missions received behavior and conduct training to avert

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problems of sexual abuse.

(Text continues with paragraph 12 in the "Part 3" cable.)

GIPS